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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
Andres LOPEZ
Defendant.

Magistrate Case No. '08 MJ 0922

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **March 24, 2008**, within the Southern District of California, defendant, **Andres LOPEZ,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Ofelia SOTELO-Rabadan, Oliver BELTRAN-Trujillo and Wilbert ORTIZ-Pioquinto**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26TH** DAY OF **MARCH**, 2008.

UNITED STATES MAGISTRATE JUDGE

GVM

PROBABLE CAUSE STATEMENT

The complaint states that **Ofelia SOTELO-Rabadan, Oliver BELTRAN-Trujillo and Wilbert ORTIZ-Pioquinto** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material, that is impracticable to secure their attendance at the trial thereof by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On March 24, 2008, at approximately 2040 hours, **Andres LOPEZ (Defendant)** applied for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a brown 1987 Volvo. During a pre-primary inspection before a Customs and Border Protection (CBP) Officer, Defendant gave a negative Customs declaration, stated he was going to San Diego and claimed ownership of the vehicle. The CBP Officer noticed Defendant appeared nervous as he was avoiding eye contact during questioning. The CBP Officer conducted a cursory inspection of the vehicle and discovered three people concealed in the trunk. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, the three concealed persons were removed from the trunk of the vehicle. All three were determined to be citizens of Mexico without legal documents to enter or reside in the United States and are now identified as: **Ofelia SOTELO-Rabadan (MW1), Oliver BELTRAN-Trujillo (MW2) and Wilbert ORTIZ- Pioquinto (MW3).**

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the concealed aliens and states that he made arrangements with a man by the name of Joe. Defendant admitted that he was going to receive $2500.00 (USD) to smuggle the aliens into the United States. Defendant admitted he was to deliver the aliens to the trolley station off the Palomar Exit.

Separate videotaped interviews were conducted with Material Witnesses who admitted they are citizens of Mexico without legal documents to enter or reside in the United States. Material Witnesses stated that they were going to pay approximately $2500.00 (USD) to be smuggled into the United States. Material Witnesses stated that they were en route to California to seek employment and resume residency.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

W McCurine Jr.
UNITED STATES MAGISTRATE JUDGE
3/26/08, 0915hrs